

USSN 10/646,308
Response to Restriction Requirement

Docket No. 3432-US-NP

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SEP 27 2007

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The Examiner has issued a second restriction requirement in the Office Action mailed 7/30/2007, superseding the first Restriction Requirement sent 4/10/07. Accordingly, Applicants offer the following Response. The Examiner has required restriction of the invention into the following groups of claims:

Group I: claims 31-45, drawn to a method of treating a cardiovascular disease with a 4-1BB antagonist;

Group II: claims 46-55, drawn to a method for reducing chronic cardiotoxicity with a 4-1BB antagonist;

Group III: claims 56-62, drawn to a method for treating cancer with a 4-1BB antagonist.

Applicants herein elect the Group II claims, claims 46-55, drawn to a method for reducing chronic cardiotoxicity caused by a chemotherapeutic agent in a subject comprising administering a 4-1BB antagonist. This election is made without traverse.

The Examiner has further required species elections with respect to the Group II claims. The first species election is to elect from three 4-1BB antagonists recited in claim 50, a soluble 4-1BB protein, a 4-1BB antagonistic antibody, and a 4-1BBL antagonistic antibody. Applicants elect a soluble 4-1BB protein to which the claims shall be restricted if no generic claim is held to be allowable. The claims encompassing the elected invention are claims 50 and 51.

The second species election is to elect from the cardiotoxic conditions recited in claim 47, arrhythmia, myocarditis, pericarditis, myocardial infarction and cardiomyopathy. Applicants elect cardiomyopathy as the condition to which the claims shall be restricted if no generic claim is held to be allowable. The claim encompassing the elected invention is claim 47.

The third species election required by the Examiner is to elect from the 19 chemotherapeutic agents recited in both claim 48 (five) and claim 53 (fourteen). Applicants elect doxorubicin, recited in claim 48, as the drug to which the claims 48 and 53 shall be restricted if no generic claim is held to be allowable. The claims encompassing the elected invention are claims 48, 49, and 53.

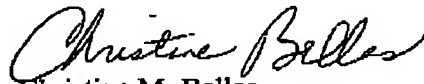
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Regarding an election of species, MPEP 809.02(a) provides that if a generic claim is found to be allowable, Applicants are entitled to consideration of claims to additional species that depend from or require all of the limitations of allowable generic claims.

Applicants' attorney invites the Examiner to call her at the number given below if it would be helpful in advancing the prosecution of this application.

Respectfully submitted,



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